

that intrudes into Al's property, so that I can get clear the picture.

SENATOR HARTNETT: Yes, it's property that the city is able to...replacement property. The city would have to purchase this from Al.

SENATOR CHAMBERS: And gives that to Pete which is the substitute.

SENATOR HARTNETT: Yes, substitute, yeah.

SENATOR CHAMBERS: All right. Now, is any kind of feasibility study undertaken to determine whether or not handling the property that way would diminish the business value of both persons' property?

SENATOR HARTNETT: I think it's in Section B, Senator Chambers. The damages of the owner of the property originally acquired for the public use property will be increased if the replacement property is not acquired and damages will be substantially greater than the damage of the property owner.

SENATOR CHAMBERS: Are you saying then that if the person who loses access would not have the same business advantage through the substitute property, then the city could not have this substitute deal carried out?

SENATOR HARTNETT: That is correct, yes.

SENATOR CHAMBERS: Now, looking at the individual whose property is taken...

SENATOR HARTNETT: Uh-huh.

SENATOR CHAMBERS: ...the same consideration must be given to that person.

SENATOR HARTNETT: Yes, the city can condemn under eminent domain, Senator Chambers.

SENATOR CHAMBERS: But what I am trying to find out, because we are creating a new creature here, is each person, the one who loses access as well as the second individual who will lose a portion of his or her property to the first individual, will